

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

RONADL B. DIGGS, IV

Debtors.

WILKINSBURG SCHOOL DISTRICT AND
WILKINSBURG BOROUGH,

Movants,

v.

RONALD B. DIGGS, IV AND RONDA J.
WINNECOUR, ESQUIRE (TRUSTEE),

Respondents.

BK. No. 16-23300-GLT

Chapter No. 13

Related to Document: 16

Conciliation Date and Time:
March 9, 2017 at 3:00 pm.

**OBJECTION OF WILKINSBURG SCHOOL DISTRICT AND WILKINSBURG BOROUGH
TO CONFIRMATION OF DEBTORS' CHAPTER 13 PLAN
DATED SEPTEMBER 29, 2016**

AND NOW, comes the Wilkinsburg School District and Wilkinsburg Borough ("Movants"), by and through their undersigned counsel, Jennifer L. Cerce, Esquire, and Maiello, Brungo & Maiello, LLP, and files the following Objection to Confirmation of Debtors' Chapter 13 Plan dated June 13, 2013 and in support thereof, aver as follows:

1. On or about September 5, 2016 Ronald B. Diggs, IV ("Debtor") filed a Chapter 13 bankruptcy case at the above-captioned bankruptcy number.
2. Movant Wilkinsburg School District is a secured creditor in the within bankruptcy case by virtue of delinquent real estate taxes owed by the Debtor.
3. Movant Wilkinsburg Borough is a secured creditor in the within bankruptcy case by virtue of delinquent real estate taxes and municipal service fees owed by the Debtor.

4. On or about October 29, 2016 Movant Borough filed secured Proof of Claim No. 5-1 at the within proceeding for delinquent municipal service fees in the amount of \$1,665.99 for property located at 1412 Clark Street (232-R-231).

5. On or about October 29, 2016 Movant Borough filed secured Proof of Claim No. 6-1 at the within proceeding for delinquent real estate taxes in the amount of \$9,250.72 for property located at 1303 LaBelle Avenue (232-M-202).

6. On or about October 29, 2016 Movant Borough filed secured Proof of Claim No. 7-1 at the within proceeding for delinquent municipal service fees in the amount of \$2,691.92 for property located at 1303 LaBelle (232-M-202).

7. On or about October 29, 2016 Movant School District filed secured Proof of Claim No. 8-1 at the within proceeding for delinquent real estate taxes in the amount of \$17,970.73 for property located at 1303 LaBelle Avenue (232-M-202).

8. Debtors' Chapter 13 Plan dated September 29, 2016 provides for the payment of \$27,509.01 to the Movant Borough which is an incorrect amount.

9. Debtor's Chapter 13 Plan dated September 29, 2016 fails to provide for the School District's real estate tax claim.

10. Movants object to the confirmation of any Plan that fails to provide for payment in full of its claims.

WHEREFORE, Movants respectfully requests that Debtors' Chapter 13 Plan dated September 29, 2016 not be confirmed.

Dated: February 20, 2017

Respectfully submitted:

MAIELLO, BRUNGO & MAIELLO, LLP

/s/ Jennifer L. Cerce

Jennifer L. Cerce, Esquire

PA I.D. #81157

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CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that a true and correct copy of the foregoing OBJECTION OF WILKINSBURG SCHOOL DISTRICT AND WILKINSBURG BOROUGH TO CONFIRMATION OF DEBTORS' CHAPTER 13 PLAN DATED SEPTEMBER 29, 2016 been served this 20th day of February, 2017 by first-class United States mail, postage prepaid, upon:

Paul William Bercik, Esquire
310 Grant Street
Suite 2330
Pittsburgh, PA 15219

Office of the United States Trustee
Liberty Center
1001 Liberty Avenue, Suite 970
Pittsburgh, PA 15222

Ronda J. Winnecour, Esquire
Suite 3250, USX Tower
600 Grant Street
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/s/ Jennifer L. Cerce
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